hat motion should prevail?"

The PRESIDENT. It will remain in the has Mr. SEWARD. I call for the year and neys on the

follows:
YEAS—Messrs. Baldwin, Bradbury, Chase, Clarke, Cooper,
Davis, of Massachusetts, Dodge, of Wisconsin, Ewing, Felch,
Hale, Hamlin, Miller, Norris, Seward, Smith, Upham, and

Hale, Hamin, Miller, Notro, Badger, Bell, Berrien, Borland, NAYS—Messra. Atchison, Badger, Bell, Berrien, Borland, Cass, Clay, Clemens, Davis, of Mississippi, Dawson, Dickinson, Dodge, of Iowa, Douglas, Downs, Foote, Gwin, Hunter, Son, Dodge, of Iowa, Douglas, Downs, Foote, Gwin, Hunter, Jones, King, Mason, Morton, Pearce, Phelps, Pratt, Rhett, Rusk, Schastian, Soule, Spruance, Sturgeon, Turney, Underwood, and Whiteomb—35.

So the motion was rejected.

The motion to reconsider the vote was agreed to.

The question then recurred on the motion to refer the motion to the Judiciary Committee. Mr. BADGER. I move to lay the whole subject on th

The motion was agreed to.

Mr. CHASE, from the Committee on Private Land Claims which was referred the petition of the heirs of Joseph

to which was referred the petition of the heirs of Joseph Reynes, submitted a report in writing, which was ordered to be printed, adverse to the prayer of the petitioner.

Mr. FOOTE asked and obtained the unanimous coasent of the Senate to bring in a joint resolution for the relief of Lewis Kossuth and his associates, exiles from Hungary; which was read and pessed to a second reading.

The resolution provides that the President shall have power to send a national vessel to the Mediterranean to bring Kossuth and his companions to this country.

On motion by Mr. FOOTE, it was ordered that it be printed.

Mr. WHITCOMB, in pursuance of notice, saked and ob-

tained leave to introduce a bill to sid in the construction of a railroad from Martinsville, by Morgantown to Franklin, in the State of Indiana; which was read a first and second time by its title, and referred to the Committee on Public Lands. REDUCTION OF POSTAGE. The Senate, as in Committee of the Whole, proceeded to the consideration of the bill to reduce and modify the rates of postage and to authorize the coinage of a three cent piece.

After some discussion on amendments offered, of which a report will be given hereafter, without disposing of the bill, The Senate adjourned.

Tuesday, February 18, 1851.

After the presentation of petitions, Mr. NORRIS, from the Committee of Claims, to which Mr. NORKIS, from the Committee of Claims, to which was referred House bill No. 281, for the relief of the legal representatives of Robert S. Burrough and Stephen Hopkins, reported back the same without amendment and recommended its passage, and asked for the present consideration of the bill.

No objection being made, the Senate proceeded to consider the same as in Committee of the Whole, and no amendment having been made, it was reported to the Senate, ordered to be read a third time, and was read a third time by unanimous consent and passed.

BILLS INTRODUCED ON LEAVE.

Mr. CLEMENS, in pursuance of notice, asked and ob tained leave to introduce a bill to authorize the issue of a land patent to Britain Franks, which was read a first and second time by its title and referred to the Committee on Public Lands. Mr. DAVIS, of Massachusetts, in pursuance of notice, asked and obtained leave to introduce a bill for the relief of Caroline L. Eustis; which was read a first and second time by its title, and referred to the Committee on Revolutionary PAYMENT OF INDIAN ANNUITIES.

Mr. TURNEY submitted the following resolution for con-

Resolved. That the Secretary of the Interior Mesolved, That the Secretary of the Interior communicate to the Senate what has been and is the practice of the Government in paying the Indian annuities, whether to the chiefs or per capita; and upon what authority is said practice founded. Did not the decisions made by Mr. Ewing, late Secretary of the Interior, in the cases alluded to, divert the Indian annuities from the per capita as had been the practice?

Mr. EWING, at a subsequent period of the day, rose and id: I would ask the Senate to take up the resolution offered by the Senator from Tennessee. It looks like an honest purpose to get at the truth. I hope it will be taken up and passed without a word, so that we may have an answer to it

to-morrow.

The resolution was taken up and adopted. EXPENSES OF THE ARMY AND NAVY.

Mr. WALKER submitted the following resolution, v

Mr. WALKER submitted the following resolution, which lies over under the rule:

Resolved, That in the opinion of the Senate the annual expenditures for the support of the army and navy have reached an enormous, extravagant, and unnecessary amount, and have become oppressive and burdensome to the Treasury and the people, and that it is the duty of the President of the United States to recommend such a plan of reduction of the army and naval establishments of the United States as will bring the annual expenditures for the support of both within the sum of twelve millions of dollars.

THE FUGITIVE SLAVE RESCUE IN BOSTON.

The following resolution, submitted yesterday by Mr. CLAT, came up for consideration:

'Resolved, That the President of the United States be requested to lay before the Senate, if not incompatible with the public interest, any information he may possess in regard to so alleged recent case of a forcible resistance to the execution of a law of the United States in the city of Boston, and to communicate to the Senate under the above condition what means he has adopted to meet the occurrence, and whether, in his opinion, any additional legislation is necessary to meet the exigency of the case, and to more vigorously execute existing laws.

Mr. CLAY. The resolution, sir, which has been read embraces three objects: the first to ascerts what is the actual state of facts, so far as the Executive can give it to us, in relation to the obstruction to the execution of the law which is said to have occurred on Saturdy last in the city of Boston. The next object is to ascerain from the President, if compatible with the public interests he can disclose, what measures he has resorted of for the purpose of supporting the authority of the law and in vindicating that authority. The last of the three spects of the resolution is to ascertain from the Presiden whether there be, or whether there be not, any defects is the existing law which ought to be cured other laws, in order to secure their supremacy through-

out the coupty.

Mr. President, until the information which is called for is received it will be premature to enter into a discussion at length dpon the subject-matters of the resolution; but I cannot erbear to avail myself of the epportunity of saying that I have been shocked, distressed, astounded by the occurrence of which the newspapers give, I fear, too faithful an account, by the third State of the United States—the first, perhaps at least the second in point of wealth, and inferior to none

in point of intelligence.
What are some of the distinctive features of that occurrence? It is not simply that the law has been impeded in its execution, that the officers of justice have been insulted and outraged; it is not alone that all this has occurred in the sanctuary of justice, but the officers standing at the post where justice should be administered have been insulted, threatened, beaten down, and the prisoner in their cus-tody seized and carried away with exultation and triumph from the midst of a population of the United States of 150,000

But, sir, this is not all. By whom was that mob impelled onward? By our own race? No, sir, but by negroes; by African descendants; by people who possess no part, as I contend, in our political system; and the question which arises is, whether we shall have law, and whether the majesty of the Government shall be maintained or not; whether we shall have a Government of white men or black men in the

cities of this country.

Sir, I say I have been shocked, and inexpressibly distressed by the occurrence which has taken place. I had hoped when I first saw the account that it was not true; indeed, it was suggested to me that it was a forgery; but I learned afterwards that it was true from a source too high and respectable to permit me longer to entertain a doubt—from a high officer of the Government, who received the facts from his correspondence with the spondence with the city of Boston, confirming the truth of the intelligence I had heard.

Now, Mr. President, in such a case I think every depart-

Now, Mr. President, in such a case I think every department of the Government should act with the most perfect promptitude. My honorable friend who sits at my left (Mr. Foorx) stated yesterday that he had had an interview with two of the highest officers of the Government, and that they had assured him that it was determined to execute the law with the utmost vigor, so far as they had power communicated to them by the laws and constitution of the country. I had a similar interview, and they confirmed the statement. I think the call should be prompt, the notice of the occurrence prompt

similar interview, and they confirmed the statement. I think the call should be prompt, the notice of the occurrence prompt by Congress, prompt by the Executive, and I hope it will be effectually and immediately punished, and that the authority of the law will be maintained in every part of our common republic. I have said before that it was not my intention to enlarge upon the subject, because, although I have had sufficient information are much I regret to saw to intitle the

per to continue my remarks.

Mr. DAVIS, of Massachusetts. I do not rise with any purpose to enter into a discussion upon the merits of this question, because I think it is very manifest, as it has been remarked by the Senator from Kentucky, that there is at this time no information of a reliable character which authorizes such a discussion. We have reason to believe that an occur-

I know that this law is offensive; offensive to many who are disposed to see it executed. And when I say this I speak a sentiment which is very common through that pertion of the country. But, nevertheless, we are a law-abiding popple, and in my judgment the great mass of the people of Massachusetts are willing that this law, like all other laws, shall be subjected to the scrutiny of the judicial tribunals of the country; they are willing that the courts shall decide upon its constitutionality or unconstitutionality; and if they wish the law altered, as no doubt many do, they will appeal to the proper forum and ask a modification of it, or its repeal. I must be permitted to say, while speaking upon this subject, that I think all attempts to suppress the expression of public opinion, to suppress freedom of debate and freedom of thought, is unwise.

Mr. CLAY. Freedom of debate upon what subject Upon what subject? Open, impudent violation of the laws of our country ?
Mr. DAVIS, of Massachusetts. The Senator from Ken-

Mr. DAVIS, of Massachusetts. The Senator from Kentucky does not understand me. I spoke simply of discussion upon the general merits and character of this law.

Mr. CLAY. Well, sir, who has been opposing any discussion upon the general merits and character of this law.

Mr. DAVIS, of Massachusetts. If the Senator will allow me, Mr. President, I wish to say that I had no reference to the Senator from Kentucky at all; but I think it is a fact quite notorious that there has been great opposition outside of this Senate.

quite notorious that there has been grest opposition outside of this Senate.

Mr. CLAY. With regard to what has occurred in Congress, and especially in the Senate chamber, the course has been without reproach. What is the state of the case? A law was passed at the last session to enforce a clear and explicit article of the constitution. It was passed by a considerable majority. That law is in the progress of operation. And what has been the course of the Senate, that very Senate which passed the law five months ago, or less than five months ago? We have acted upon it; we had it discussed, debated upon it, and decided upon it. We will not now, especially when there are indications of violence and a forcible resistance to the law, listen to any attempt to repeal or modify the law. Let the authority of the law be maintained; let it be executed; let the defects, if there are any defects, be developed during the progress of its execution, maintained; let it be executed; let the dejects, it there are any defects, be developed during the progress of its execution, and when there is a spirit of obedience pervading, as it ought to pervade, the whole country, then and not till then will the time arrive when we should look into the law and ascertain whether there be any grounds of objection calling for furthe

Sir, I did not, when up before, say any thing about the people of Boston or the people of Massachusetts. I said something—and I hope it does not disturb the feelings of the Senator who has just spoken (Mr. Davis, of Massachusetts)—to express the indignation which I felt at the outrage which occurred in a court of justice. I do not know whether the court room is a part of, but if not, it is near to Faneuil Hall, that great cradle of American liberty. I hope it is not deemed unkind by the Senator from Massachusetts, or offensive, to speak of that negro mob that dared to lay their sacrilegious hands in the sanctuary of justice, upon the very sword of justice itself, and to wave it over its officers and ministers, threatening them with its application. If it be, then in my place here and every where, I denounce such resistance, whather made by white men or black men.

Mr. DAVIS, of Massachusetts. I have but a word to say in reply to the remarks of the honorable Senator from Kentucky. I heartily sgree in much that he has said, and I lament this occurrence as much as he does, and as sincerely as he does. What I did mean to say is, that we are a peaceloving and law-abiding people in the Commonwealth of Massachusetts of the people of the commonwealth of Massachusetts of the commonwealth of the commonwealth of the commonwealth of Sir, I did not, when up before, say any thing about the

as he does. What I did mean to say is, that we are a peaceloving and law-abiding people in the Commonwealth of Massachusetts, and I mean to connect with that the fact that we
are a free people. From the day that we took up arms against
Great Britain down to this time, we have claimed the right,
and maintained the right, and will continue to de it, to discuss with freedom the measures of those who govern us.

Now, sir, I go a little further. I deprecate all violence to
correct any evils existing here. I leave truth to combat error,
and I would let it be done through freedom of speech and
through freedom of the press. I ask for nothing more; and
if laws which are pa-sed here are found to be objectionable in
their character, in the judgment of the people of that State, I
trust they will adopt none but proper measures to meet such
difficulties. They will bow in obedience to the judicial tribunals, and they will leave these great questions in all cases bunals, and they will leave these great questions in all cases to be decided and settled by these tribunals; and if there be any evils connected with this Government, they will patient-ly bear them until that revolution for which the constitution itself provides can be worked out. Why, sir, peaceable civil revolution, of all revolutions in regard to public senti-ment, is that for which the constitution designed to provide. It is the most speedy in its character, the most efficacious, and it is the only made consistent with the institutions of the country. Go, sir, if you have evils to complain of, to the ballot box, and there try the question and there settle the diffi-culty which exists under the influences of freedom of speech and freedom of the press. No gentleman on this floor can deprecate more than I do any disposition to violence or opposi-

against this obstruction of the execution of the laws. But I confess I should have been more gratified if this indignation had been exhibited in opposition to laws manifestly for a different subject. We are relying upon newspaper accounts. I have seen an account, though I do not know whether it is true or not, but I have seen an account since this Senate has been in session, that a judicial officer in one of the Southern States has refused, and did for the subject. I have been a diligent watcher of the events that have been a diligent watcher of the events that have been a diligent watcher of the events that have been a long time after the laws of the Haired States.

count of an expedition got up in a Southern city to march into a foreign country, in opposition to law and treaty stipulations forbidding any thing of the kind; but I never heard of any resolution calling on the President to know what he had done about it. I recollect that, after the expedition against Cuba was got up, a resolution was offered here, and that res was rather one of censure upon the efforts made by the Executive to suppress it.

Since I have been a member of the Senate, I have know Since I have been a member of the Senate, I have known a mob to hold control for successive days of a considerable portion of this city, under the nose of the President of the United States, and there was no anxiety manifested them to know what the President had heard of it, or to know what the President had heard of it, or to know what the President had done about it; to know whether, in this federal city, where all the authority of the United States is concentrated, and where he was bound by every obligation that could weigh upon a civil officer, to know whether he had taken steps to maintain the supremacy of the law. There was no inquiry made then. I did not hear a word about it.

But, as I said, I am not opposed to the passage of this resolution, for I will vote for it; but I fear the Government of the United States are about to take that very step which it is

the United States are about to take that very step which it the United States are about to take that very step which it is said separates the sublime from the ridiculous. Yes, sir, here is a mob of negroes who have for a time executed their purposes there, as a mob may do in any place and in any city. Mobs are not peculiar to Boston. I believe I have read about a mob in Kentucky which took possession of a printing press and sent it off into a neighboring State. Mobs may arise every where. But I have heard that it is seriously the intention of the President of the United States to issue a formal readamation to all the neval and military forces to hold them. proclamation to all the naval and military forces to hold them elves in resdiness to put down this mob of the negroes i Boston. I trust it is not true. I trust that the President will leave the execution of the laws in Boston to the silent regu lation of the good people of Boston themselves; for the Pre-sident may be as used that if the moral sentiment of the peo-ple among whom the laws are to be enforced is not sufficient to enforce them, they cannot be enforced is not sufficient to enforce them, they cannot be enforced. It is not in the power of the army and navy of the United States to enforce this law in Boston unless the people of Massachusetts sustain the law. You must rely upon that or your case is hopeless. George III. tried this experiment in Boston, when there was but a handful of people there compared to the present population. He sent his royal army there, and they shot down the cient information—too much I regret to say—to justify the remarks I have made, yet all that is necessary for our action is not within our reach, and until we obtain it, it is not proper to continue my remarks.

I do not rise mith a sent his royal army there, and they shot down the cirizens in State street. That law which it was attempted to enforce was edious to the people, and it could not be enforced, though the population in Boston was not one-tenth of what it now is. It cannot be done now if the moral sense of the it now is. It cannot be done now if the moral sense of the people of Boston is against it, and will not support it, and it is the idlest thing on earth to send any force there to enforce the law. No, sir, such is not the foundation on which our institutions rest. They rest upon the moral sentiments and judgment of the people, and when they fail to sustain any measure it is idle to fall back upon standing armies.

I think the consequences of this movement have been exceedingly magnified. I have no doubt that the people of Boston will maintain all proper resultings and laws. I sm

rence has happened in Boston which all good and peaceab'e citizene will condemn. But before I undertake to pass
any censure, or any commendation upon the people of that city, or the people of the State of Massachusetts; before I undertake to arraign or vindicate their conduct, I wish, sir, to destate the an not a citizen of that State, nor do I represent ake to arraign or vindicate their conduct, I wish, sir, to as usual. I am not a citizen of that State, nor do I represent

Mr. HALL. It is suggested to me that it may be a mistake. Whether it be so or not, I cannot tell. I think this
move is entirely premature, and that we had better wait and
see what movement the authorities there will make; that we
had better leave the laws to the quiet operation of their own
government, among the people where the laws are to be executed, before we attempt to magnify this into any great and
serious consequences. I do not think there is any serious
danger of any manifestation of resistance to the law in that
marter.

give all proper aid to the Government in maintaining the su-premacy of the law within their limits. But, Mr. President, by way of a little testimony on this subject, I will state that it did so happen that when I received the first intelligence of it did so happen that when I received the first intelligence of the unfortunate occurrence in the city of Boston, I was standing in one of the most public rooms in this city, and when I expressed the indignation which I naturally felt at what has taken place, as it was published in the New York Herald of yesterday morning, it so happened I had just been introduced to some eight or ten gentlemen from Massachusetts whom I had never seen be ore in my life, all of whom concurred in this largeness. We receive and they that the convergence this lauguage. We rejoice, said they, that the occurrence has taken place, for now it will give a fair opportunity to the nas taken place, for now it will give a lair opportunity to the patriotic people of our State to vindicate themselves against the injurious aspersions which have been cast upon our Government. There is not a volunteer from our State, was the emphatic language of these gentlemen, who will not turn out for the support of the Government and maintenance of the laws, and we are glad to show that we are a law-abiding

people.

But a single remark in reply to the honorable Senator fro New Hampshire, who has made one of his usual flourishes of rhetoric this morning. The honorable Senator seems to think that it is not the duty of the President, in such a case as the present, to employ a military force. I am not one of the advisers of the President, nor do I know what course he the advisers of the President, nor do I know what course he intends to pursue; but I do mean to say that the President is sworn to maintain the laws, and I do not doubt that he will be governed by his oath. He is more responsible than the people of any State in this Union. So Washingtons thought, and so he acted; and he did not hesitate, in a case not a great deal more serious than this, to call into exercise all the powers committed to him by the constitution, for the purpose of maintaining the dignity of the law, and he did maintain it. The honorable Senator has referred to the time when the acts of the Confederation were still existing as the supreme law of the United States. All the power granted by the constitution was exercised in the time of Shay's rebellion, when General Washington was written to by varieus citizens of the State of Massachusetts, and in a book now on my table containing letters in answer to those communications, he urges in the of Massachusetts, and in a book now on my those containing letters in answer to those communications, he urges in the most emphatic language that the military force should be at once called into action for the purpose of putting down violent opposition to the law. His language was, that no delay should occur in such a case. It is most honorable to the State of Massachusetts, and I am very glad to have an oppor-I say, obey the laws of the United States; obey the laws of the States until they are either repealed or modified or decided to be unconstitutionall, because the laws are the public will constitutionally expressed. That is my doctrine; but at the same time while I advocate obedience to law, I shall deprecate at all times any attempt to suppress free discussion, free examination, free inquiry into these subjects; for that is as much connected with the genius of our Government as the constitution itself. Why, sir, it is in vain to attempt to prevent a public and free expression of opinion upon these subjects, and the same tunity of saying so, that on that occasion the Governor of the State, although the insurgents were some four or five thousand strong, at once put himself at the head of all the military force of the State, and put down the insurrection. I hope the present Governor of the State of Massachusetts will not hesitate to do his duty as Governor Lincoln did his, on a former occasion. I trust the President of the United States will not hesitate to supply all the necessary aid for the purpose of the State, and put down the insurrection. I hope the present Governor Lincoln did his, on a former occasion. I trust the President of the United States will not hesitate to supply all the necessary aid for the purpose of the State, although the insurgents were some four or five thousand strong, at once put himself at the head of all the military force of the State, and put down the insurrection. I hope the present Governor Lincoln did his, on a former occasion. I trust the President of the United States will not hesitate to do his duty as Governor Lincoln did his, on a former occasion. I trust the present Governor of the State of Massachusetts and I am very glad to have an opportunity of saying so, that on that occasion the Governor of the State, although the insurgents were some four or five thousand strong, and the insure occasion. tion itself. Why, sir, it is in vain to attempt to prevent a public and free expression of opinion upon these subjects, and they can never be frowned down, and it is vain and idle to form his duty; but I do not see the necessity of encouraging attempt it.

Mr. HALE. I am not going to oppose the passage of this resolution. I think I am glad that it has been introduced. I have listened with some satisfaction to the torrent of indignation which the Senator from Kentucky has poured out against this obstruction of the execution of the laws. But I what would be the proper course of the President of the United what was a president of the United officer in one of the Southern States has refused, and did for a long time refuse, to execute the law of the United States for the surrender of a person belonging to another State. It do not know whether the account is true or not, but I saw it in the newspapers, and I have as much authority for that as we have for the account which we find of the occurrence in Boston.

Since I have been a member of the Senate, I have seen an account of an expedition got up in a Southern city to march in the city of Philadelphia, generally as quiet and law-foreign country, in conception to law and treaty stipulations. abiding a city as any other, was excited by the appearance abiding a cry as any other, was excited by the appearance there of violent opposition to the law, during the last year, the President, when applied to for aid to support the judicial authorities, did not hesitate to send an order which, I think, should have been publicly declared. He did not hesitate to send an order to Commodore Read, commanding at the station of Philadelphis, whenever called upon to turn out all his marine force to sustain the law, and maintain its dignity against all

well realized now, that there was not a sentiment in the Northern States to enforce the law, and without that public sentiment, without that consent, I felt that the law was use less. Here and there, perhaps, a fugitive may be recovered, but it is seldom that he can be found; seldom, indeed, that the process can be executed against him. In commercia communities it may occur, in rural communities perhaps never. I did not then anticipate that if a fugitive were arrested and brought legally before the commissioner or judge, a mob could have the power to release him. Without that, I still thought the law would be ineffectual for any useful purpose.

Opposition has gone further than I expected. The Senator

from Massachusetts says the common sentiment is in opposi-tion to the law, and a Senator who did not address the Senate but spoke in terms which reached my ear, said "the universa but spoke in terms which reached my ear, said "the universal seatiment," strengthening the assertion of the Senator from Massachusetts. If it be so, then it follows that the law is dead, as to that particular State. As to the particular case which has occurred, I regret it as much as any one. I regret it, because it is an indication of that downward tendency in the people of the United States, which seems to manifest that they are unworthy of the Government they have inherited. It is a Government which is whoily inoperative whenever the people cease to have sufficient power to execute it. Whenever mobs can rule, and law is ailenced beneath tunult, this is wholly an impracticable Government. It was not organized wholly an impracticable Government. It was not organized as one of force. Its strength is moral, and moral only. The Government of the United States has power to suppress in surrection and to repel invasion. What insurrection

*The following is an extract from the proclamation Gen. Washington, then President of the United States, dated August 7th, 1794, in relation to the whiskey insurrection in Pennsylvania:

that State, but if I were one of the citizens of Boston I should states ever have been, and can, and actions; and when I see these facts, I trust I shall be able to decide whose conduct to commend and whose to condemn. And I believe that, whenever this metter comes to be amended and the the laws cannot be executed; and the fact that violence be such as it has been formerly in the bistory of this country.

Were as were as [Cooper, F. Pelch, I was of the country, and maintain any account by the deputy marshal from whose counted by any of the part of the account which leaves of the country, and maintain an account by the deputy marshal from whose counted by the secretary of War, in the secretary of the country of a State, in which civil government shall be part of the action and within that States and the submitted within that States and the submitted within that States and the submitted of the Potomac river. From every quarter the militius came that the laws cannot be executed. I apprehend that the part of the action the executed in the submitted of the Potomac river. From every quarter the militius came that the laws cannot be executed. I apprehend that the part of the action that the laws cannot be executed. I apprehend that the part of the account which relates to taking the sword of justice down end flurishing the submitted of the Potomac river. From every quarter the militius came the submitted. The occasion, too, must of the submitted with the States and the submitted. The occasion, too, must of the submitted of the Potomac river. From every quarter the militius came the submitted. The occasion, too, must of the submitted with the states and the submitted. The occasion, too, must of the submitted of the Potomac river. From every quarter the militius came the submitted. The occasion, too, must of the submitted of the Potomac river. From every quarter the militius. The submitted with the submitted of the fotomac river. From every quarter the militius. The submitted of the fotomac river. From every quarter the

in the second process which it be so or not, I cannot tell. I think this move is entirely premature, and that we had better leave the lauke that we had better leave the laws to the quet operation of their own had better leave the laws to the quet operation of their own government; among the people where the laws are to be executed, before we attempt to magnify this into any great and serious connectance. I do not think there is any swint and the serious occurred not long since, when the officient of the serious of the serious

clamation of that Governor when he laid down his office:

"I therefore, fellow-citizens, now resign the high trust confided to my hands, with no feeling of personal regret, except that I could not serve you better; with no feeling of shame, for I am innocent of the causes which have induced the necessity of this sto; ou the contrary, although personally I fear no investigation and shun no serutiny, I have spared no efforts, consistent with self-respect, to avert this result. So soon as I learned that attempts would be made, under an act of Congress of the list century, to remove me from this State, I tormally offered to the proper authorities of the United States, any pledge of security to appear in New Orleans, and meet the charges against me, so soon as my term of office should expire; and I remonstrated against the indignity thus about to be offered, not to myself, but to the State, in dragging from his duties her chief magistrate.

"My proposition was not accepted, and my remonstrance not heeded. It is not for me to complain. You are the aggrieved party. My coursein this matter meets the approval of some of the most patriotic dizens near me. I sincerely hope, as it was dictated alone by my sense of duty to the State, it may meet the approbation of my fellow citizens."

Then let the Sensor from New Hampshire learn that this Governor, surrounded by a people attached to him, a man himself of military for the state of the man and the state of military for the state of the military for the state of the military for the most part of the military for the state of the military for the military for

Then let the Senator from New Hampshire learn that this Governor, surrounded by a people attached to him, a man himself of military fame, and who might, therefore, the more readily have been suspected of seeking a resort to arms, resigned the office which he held, abandoned the trust confided to him, that he might to and answer to a charge which he believed to be a charge entirely unfounded. So much for the reference of that Senator to the State of Mississippi.

Now, Mr. President, while I am quite willing, I may say anxious, to know what measures the Executive may take, as the question of military force has be. "Trawn into this debate, I take this occasion to say that I hope the day is far distant when the militia of the States cannot enforce the laws of the United States, cannot suppres insurrection within the States. I hope the day is equally distant when the Federal Government, by its army and navy, should attempt to enforce obedience upon a State. If this feee negro mob represent the true feeling of the State of Massachusetts, if such be the action of the State herself, let her go. tion of the State herself, let her go.

I, for one, will never give my vote to extend a single arm to force her. I trust that the history of one Government may never record such scenes as horse-guards charging upon the peasantry, or steel-clad cuirassiers turned out to ride down tha ignoble rabble. The people are the sovereigns. Let them act a their wisdom and their patriotism may direct, and when they cease to have the wisdom and patriotism nec of their own volition to sustain this Government, I say the Gov-

of their own volition to sustain this Government, I say the Government is at an end.

Mr. FODTE, I simply rise for the purpose of putting myself right with regard to an historical point. I had no idea of saying any thing more. Perhaps I have said more than is necessary. I referred to an insurfection which took place in the State of Fennsylvania, called the "whiskey insurrection," some years ago. I said that the President of the United States at hat period—Gen. Washington—had performed his duty as Plesident of the United States, by taking the proper states to shoppers the insurrection. It was a case of insurrecsteps to suppress the insurrection. It was a case of insurrec-tion in the bosom of one of the States of this Confederacy. It tion in the bosom of one of the States of this Confederacy. It was not suppressed by the military of Pennsylvania, unsided by the military forces of other States. The history of it is entirely different; and as I have an authentic account before me, I shall content myself with simply reading a few extracts, that all may understand what Gen. Washington thought to be his duty in such an emergency as then arose. It will be very high authority, certainly. The historian (Sparks in his Life of Washington) narrates the matter in this way:

"Soon after Congress adjourned, the President's attention was called to another subject of very serious import, both as it regarded the authority of the laws and the stability of the Union. The act of Congress imposing a tax on distilled spiwas called to another subject of very serious import, both as it regarded the authority of the laws and the stability of the Union. The act of Congress imposing a fax en distilled spirits had, from its first operation, excited much uneasiness in various parts of the country, and in some districts it had been evaded and openly resisted. The inspectors of the revenue appointed by the Government were insulted, threatened, and even prevented by force from discharging their duty. To so great a length had these outrages gone in some places, as early as September, 1792, that a proclamation was published by the President, admonishing all persons to refrain from combinations and proceedings which obstructed the execution of the laws, and requiring the magistrates and counts to exert the powers vested in them for bringing to justice the offenders. Bills of indictment were found against some of these persons, and the marshal attempted to serve the processes issued by the court. He was met by a body of armed men, seized, detained, and harshly treated. The malcontents proceeded from one degree of excess to another, holding seditious meetings, arming themselves, abusing the officers of the Government, and bidding defiance to the laws, till they have assumed the attitude of insurrection, and prepared for an organized resistance.

The moderation and torbearance which, according to his

sistance.
"The moderation and torbearance which, according to his

attitude or instruction, and prepared to an organized resistance.

"The moderation and lorbearance which, according to his usual practice, the President had exercised toward these deluded people for more than two years, served only to increase their violence and encourage their determined spirit of hostility. He could no longer hesitate as to the course he ought to pursue. He resolved to employ the means entrusted to him by the laws, and suppress the insurrection by a military force. As a preparatory step, he issued a proclamation, dated on the 7th of August, in which, after briefly narrating the criminal transactions of the insurgents, and what had been done by the Government to allay their discontents and turn them from their treasonable practices, he declared his determination to execute the laws by calling the militis to his aid, and commanded the insurgents, and all persons concerned in abetting their acts, to disperse and retire peaceably to their abodes before the first day of September.

"Having sent out this proclamation, as a preliminary measure exacted by the laws, he next made a requisition for militia on the Governors of New Jersey, Pennsylvanis, Maryland, and Virginia. The insurgents chiefly resided in the western counties of Pennsylvanis. It was supposed there were among them about sixteen thousand men capable of bearing srms, and that they could bring at least seven thousand into active service. The number of militia at first ordered out was twelve thousand, and it was subsequently increased to fifteen thousand. The Governors of Pennsylvanis and New Jersey took the field at the head of the troops from their respective States, and the command of the whole was conferred on Governor Lee, of Virginia. The place of rendezvous for the Pennsylvania and Maryland assembled at Cumberland, the in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by that act, the same being notified by the ordinary course of judic of such State to suppress such combinations, and to cause the laws to be duly executed; and if the militia of a State where laws to be duly executed; and if the militia of a State where such combinations may happen shall refuse, or be insufficient, to suppress the same, it shall be lawful for the President, if the Legislature of the United States shall not be in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto, as may be necessary; and the use of the militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session: Previded always. That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time."

Mr. DAVIS, of Missis-ippi. I merely wish to say that I

Mr. DAVIS, of Mi-sis-ippi. I merely wish to say that I have before me a letter from the Secretary of War at that time, Major McHenry, who called on the brigadier general of the militia in the State of Pennsylvania to enforce the laws of the United States in the western part of Pennsylvania. Mr. DAVIS, of Massachusetts. I have but a word to add in reply to the Senator from Mississippi, (Mr. DAVIS.) He has referred to a remark of mine, in relation to which I wish to be correctly understood. I do not know whether I used the precise expression, which the benerable Senator imputed. he precise expression which the honorable Senator imputed o me. I did mean, however, that it should be understood to me. I did mean, however, that it should be understood that there was a prevalent sentiment in Massachusetts in opposition to the stringent provisions of this law. The Senator proceeds to infer from that, that that sentiment will array itself in measures of violence against the law. I make no such deduction from any facts within my knowledge. On the contrary, I will venture to predict that all these speculations in regard to the employment of the forces of the United States to execute this law in Massachusetts are wholly unnecessary and wholly uncalled for. That law is offensive to the people of Massachusetts for reasons which I could state if the time and the circumstance would permit. You know very well, sir, that I voted against the law. You know very well that I had strong objections to it, as many other gentlemen here also that I voted against the law. You know very well that I had strong objections to it, as many other gentlemen here also had. These objections are felt elsewhere. But when you come to the question of the execution of the law, I apprehend that no troops, no aid, no assistance from the Government of the United States will be found necessary in the city of Boston, or any other portion of Massachusetts. There may be mobs; mobs spring up in all portions of the country. Opposition to measures which do not commend themselves to the public judgment or the public mind oftentimes create an array of this description; but then there is beneath all this a public opinion prevailing that this is not the mode to settle questions of that description. I rely on that opinion in the Commonwealth of Massachusetts. I rely upon the good sense and the good judgment of the people in all these matters, and I know that I am not mistaken in the estimate I place upon that public opinion and that public judgment. I know that if they wish the repeal of this law, or an alteration of its provisions, they will seek it by other means and by other measures than a violent array against the strength of this Government, or any other Government, on a question of that sort. The days of the Revolution and the days of Shay's rebellion have gone by. The people have learned by long experience and gone by. The people have learned by long experience and by long practice that there is a wiser, a better, and a blood-less remedy for all meaures of this sort, to which they may esort, and to which they will resort whenever in their judgment an occasion arises, and it will be in vain to endeavor

ment an occasion arises, and it will be in vain to endeavor to prevent them from resorting to it.

While I oppose this law, and while I object to many of its provisions, I do not object to what I believe to be a suitable and proper law to execute this provision of the constitution. On the contrary, I would cheerfully vote for such a measure as has been shadowed forth by several gentlemen who have occupied places on this floor, and I may say, without going into the subject, that the people of the tree States have felt that it is an imputation upon them to deny to them the privilege of trying a question of this sort, as they try all their questions, by a jury of their own. They feel that it casts a shade of distrust upon their fidelity and upon their integrity. Well, you can measure the weight of that sentiment of honor, and every gentleman can feel the consideration and regard to Well, you can measure the weight of that sentiment of honor, and every gentleman can feel the consideration and regard to which it is entitled. He can estimate how much more probability there is of the peaceable execution of a law that should show by its terms and provisions that confidence was placed in their fidelity, in their integrity, and in their attachment to the Union. But I forbear entering in this subject. I do not desire to an inter these exempted. desire to go into these arguments. There may come a time when a calmer state of the public sentiment will exist, when these measures can be examined with candor and impartiality; when that time comes I shall not deepair of satisfying this Senate that a wiser and a better law might be made on this

subject.

Mr. COOPER. I wish to detain the Senate a single ment as to a matter of fact. The troops organized to pu ment as to a matter of fact. The troops organized to put down what is known as the whiskey insurrection in Pennsyl-vania were from the States of Virginia, Maryland, and New Jersey. The rendezvous was at Carlisle. Gen. Washing-ton himself went to Carlisle. From thence the troops were dispatched to the western portion of the State, where resistance had been made to the law. I merely rise to state this in answer to my friend from Mississippi, (Mr. Davis,) who supposed that the rebellion was put down by the militia of the State of Pennsylvania alone. The principal force undoubtedly was a force of militia from the State of Pennsylvania. vania, but there were also regiments from Virginia, Mary-

land, and New Jersey.

Mr. DAVIS, of Mississippi. I would ask the Senator if those troops ever marched to the scene of action?

Mr. COOPER. They marched from Carlisle as far west er than that they did not go. I believe.

contained a clear historical statement of the facts referred to by the honorable Schator from Pennsylvania. Mr. BRADBURY. The honorable Senator from Mississippi (Mr. Davis) has expressed the opinion that certain laws of the United States cannot be executed in the Northern

States. I think it due to the State I in part represent to say that, so far as the honorable Senator's remark applies to the State of Maine, I have no doubt he is entirely mistaken . Letter from the Secretary of War to the Givernor of

Pennsylvania.
WAR DEFARTMENT, MARCH 20, 1799. WAR DEFARTMENT, MARCH 20, 1799.

SIR: To suppress the insurrection now existing in the counties of Northampton, Bucks, and Montgomery, in the State of Pennsylvania, in opposition to the laws of the United States, the President has thought it necessary to employ a military force, to be composed, in part, of such of the militia of Pennsylvania, whose situation and state of preparation will enable them to march with promptitude. The corps of militia first desired on this occasion are the troops of cavalry belonging to this city, and one troop from each of the counties of Philadelphia, Bucks, Chester, Montgomery, and Lancaster. These troops I have the honor to request your Excellency will order to hold themselves in readiness to march on or belore the 28th instant, under the command of Brig. Gen. Motore the 28th instant, under the command of Brig. Gen. Mo-

Pherson.

I have the honor to be, with great respect, sir, your obed't JAS. McHENRY. His Excellency Governor MIFFLIN. From the instruction given to Gen. McPherson the follow ing are extracts:

WAR DEPARTMENT, MARCH 21, 1799.

WAR DEFARTMENT, MARCH 21, 1799.
SIR: In pursuance of the President's proclamation, bearing late the 12th day of this month, it has become indispensable to determine upon and put in motion the military force pro-per to be employed for suppressing the insurrection in the counties of Northampton, Montgomery, and Bucks, in this You will therefore be pleased to form a detachment from

State.
You will therefore be pleased to form a detachment from the volunteers, who have associated in the State of Pennsylvania, and been accepted by the President, as a part of the provisional army, to consist of the two volunteer companies of cavalry of the city of Philadelphia, to which you will add two or more of the troops of militis cavalry of the same city, now under orders to hold themselves in readiness to march, so as to compose a body of two hundred and forty horse, including non-commissioned officers, and proceed with the detachment, without delay, to the theatre of insurrection.

It is left entirely to your discretion to determine upon your place or places of rendezvous, which should be such as are best calculated to enable the troops that may be stationary to defend themselves in case of attack, and also to aid as effectually as possible your parties of horse in their transit to and from their points of departure.

You will have observed that it is designed to give to the volunteer and militia cavalry selected by your principal agency in suppressing the existing combinations against the laws, and of quelling an insurrection and rebellion against the Government and rightful authority of their country, at a time when its sovereignty and liberties are threatened by a powerful, implacable, and insidious nation, who have been accustomed to divide and conquer other nations. It is not doubted, therefore, but that they will exhibit a useful example upon this service of military promptitude, spirit, virilance, discipline, and obedience of orders.

To be prepared for adverse contingencies, it will be proper that you continue the orders tor holding themselves in readiness to march, at the shortest notice, to the volunteer companies and militia not immediately called into actual service.

To cover the active operations of the volunteer and militia cavalry, a company of infantry, under Capt. Shoemaker,

Service.

To cover the active operations of the volunteer and militia evvalry, a company of infantry, under Capt. Shoemaker, and a company of artillerists, under Capt. Irwin, from Carlisle, Pennsylvania, have been ordered to march and rendezvous at Reading; and a company of artillerists at Fort Milifin, intended to rendezvous at the same place, is under orders to march at the shortest notice. Two companies of artillerists from New York, and a party of infantry recruits under Lieut. Boote, supposed about thirty, from New Brunswick, New Jersey, have been ordered to march to Newton, Pennsylvania: these latter troops are on the establishment of the United States, expected to arrive at their first places of rendezvous on or shout the 23d instant, and subject to your orders, to be stationed where their presence can produce the best effects, and employed in case circumstances should require their actual co-operation with the volunteers and militia. If rebellion should require a strength demanding further force, you are, using a sound discretion, and kweping economy in view, fully authorized by the President to call into actual service the whole or any part of the volunteer and militia companies that have been ordered to be held in readiness in the States of Pennsylvania and New Jersey.

I have the honor to be, with great respect, sir, your most obedient humble servant, JAMES McHENRY.

Wm. Macrarrow, Esq. Brigadier General. To cover the active operations of the volunteer and mili

DEBATE IN THE SENATT

On motion of Mr. McLANE, of Maryland, the House them On motion of Mr. McLANE, of Maryland, the House then went into Committee of the Whole on the state of the Union, (Mr. Mrade, of Virginia, in the chair,) and resumed the consideration of the bill making appropriations for the improvement of certain harbors and rivers.

Mr. McLANE, being entitled by the rules, as the member reporting the measure under consideration, to close the debate on this subject, addressed the committee an hour on this bill. He defended himself against the charge of Mr. Mones that he was inconsistent in supporting this measure, because here

He defended himself against the charge of Mr. Money that he was inconsistent in supporting this measure, because here-tofore he had uniformly voted against similar propositions. In connexion with this he referred to the course of the gen-tleman from Louisians in supporting men (among them Gen. Cass) who were in favor of river and harbor improvements. He replied to the remarks of those gentlemen impugning the democracy of those supporting this measure, and proceeded to define democracy, in compliance with the request of Mr. Holmes, making some strictures on the Government of South Carolina.

Mr. BURT stated that every white man who had resided

in the State two years could vote.

Mr. McLANE thought that this was not enough; he would have a representative government based on population. In reply to an inaudible inquiry of Mr. Holmas, he said that the Government of South Carolina was not based on population and numbers. He then proceeded to draw a comparison between the States of South Carolina and Maryland; when he was interrupted by
Mr. BURT, who thought that a discussion of the institu-

mr. BURT, who thought that a discussion of the institu-tions of South Carolina was in bad taste, as no opportunity would be afforded for reply.

Mr. McLANE justified his course by referring to the fact that Mr. Holmes commenced the controversy.

Mr. BURT said that South Carolina ought not to be drag-

Mr. BURT said that South Carolina ought not to be dragged into the debate on account of the grisvances the gentleman from Maryland received at the hands of his colleague.

Mr. McLANE proceeded, and contended that the river and harbor bill before them was embraced in the principle recognised by the gentleman from Georgis, (Mr. Toomas,) which was, that the improvement of rivers at points where revenue might be collected was constitutional. He proceeded to cite the course of Jefferson, Madison, and Jackson, which he regarded as consistent with that doctrine. He justified the expenditures contemplated by the bill on the ground that the revenues of the Government for the present fiscal year would reach fifty-nine millions of dollars.

Mr. MORSE, by unanimous consent, replied to what he called the "miserable sophisms by which the committee had been entertained for one hour," declaring that the doctrines advanced by the gentleman from Maryland were not democratic, and that that gentleman had failed to prove his consistency on the question under consideration.

sistency on the question under consideration.

Mr. McDONALD moved to amend the bill by inserting

"For the improvement of the Wabash river, above the Rapids, the sum of \$50,000."

The question was then taken on the amendment of Mr. McDowald, and it was rejected: Ayes 33, noes 80.

Mr. CLARKE moved to insert: "For the improvement of Sackett's Harbor, Lake Ontario, and the removal of a ship of the United States navy sunk there, \$10,000."

Mr. C. supported his amendment by urging the necessity

Mr. C. supported his amendment by urging the necessity of its adoption, and the duty of the Government to remove obstructions placed by its order at the entrance of a harbor, and referring to the growing importance of the place named

and referring to the growing importance of the place named in his amendment.

Mr. BURT was opposed to the amendment, as well as to the bill. He thought that his friend from Georgia (Mr. Tooms) had interposed such insurmountable obstacles as to render it unnecessary for him to enlarge upon the constitutional question. He defied the gentleman from Maryland to answer them. He (Mr. B) asserted that under the constitution the Government could make no improvements or structures whatever within the jurisdiction of a State, except in cases specified in the constitution, such as dock-yards, arsenals, fortifications, &c.; and that the consent of a State could not enlarge the power of the Government. It had no more not enlarge the power of the Government. It had no more right to improve a harbor or open a river than it had to make a railroad through any of the States of the Union. The amendment of Mr. CLARKE was then agreed to : Ayes

70. noed 46. Mr. McLANE moved to strike out the following items : "For a breakwater structure at the harbor of Burlington, Lake Champlain, \$15,000.
"For the improvement of Saekett's Harbor, Lake Ontario, and the removal of a ship of the United States navy sunk there, \$10,000."

Mr. McLANE said that if the com put into the bill additional items which had already been s mitted to the Committee on Commerce, and rejected by the making the bill thereby of so much weight as to fail of ceiving the support of the House, the con sibility. He called their at

Mr. CASS. They crossed the mountains under the command of Gen Lee, of Virginia.

Mr. FOOTE. One of the paragraphs which I have read ing the bill. ing the bill.

The amendment of Mr. McLanz was rejected: Ayes 67, nors 67, the Chairman voting in the negative.

Mr. HOWE moved to insert in the bill an item appropriating \$20,000 for the survey of the Alleghany river,

supported his amendment by a few remarks.

Mr. HILLIARD opposed the amendment of Mr. Hows, being of opinion that the Constitution did not grant a single power of this kind. He thought that whatever was essential to the protection of the navy or of public property they might improve and construct. He believed that the time had come to limit the action of the Government to its true sphere. He was a national man, and did not shrink from he imputation of being one. As such he would give a true interpretation of the power of the Government, and would onfine it to that power.

Mesers JOHNSON, of Arkaness, DUER, and Me-

GAUGHEY urged the committee to support the bill as it was reported by the Committee on Commerce, and Mr. THOMPSON, of Pennsylvania supported the amendment of Mr. Hows. Mr. BAYLY made a few remarks in relation to the as-

sertion of Mr. McLane that the revenues for this year would smount to fifty-nine millions of dollars. The receipts for the first half of the present year had been \$23,125,603. All were aware that when the imports were large for the first half year, the presumption was that for the next half of the year they would be small. Besides this, by a recent decision of the Supreme Court, large sums must be refunded on account of excessive duties charged and re-ceived on certain articles imported. As to the receipts from public lands, not much would be obtained from that source when so much of the public domain had been given away. The question now being on the amendment of Mr. Hows-

The CHAIRMAN ruled it out of order. Mr. RICHARDSON moved that the committee rise; which otion was lost.

After some delay on points of order—

Mr. HARRIS, of Illinois, moved to strike out the item appropriating \$15,000 for the improvement of the harbor at Conneaut, in Lake Erie. He said that this was one of four appropriations for harbors, all extending not over a distance of fifty miles.

Mr. GIDDINGS opposed the amendment, and it was

rejected.

Mr. BAYLY moved to strike out the item appropriating \$10,000 for the improvement of the harbor at Cunningham's Bay, on Lake Eric. He desired to know how it was that these particular districts were so fortunate as to get appropriations when others had received none at all?

Mr. Mcl.ANE replied that all such sectional issues found

no place in the Committee of Commerce.

Mr. BAYLY said that the bill was sectional from beginning

to end.

Mr. McLANE desired to know if the gentleman from Virginia had made estimates, and if he could inform the committee how much money was appropriated north of Mason and Dixon's line, and how much South?

Mr. BAYLY replied that he had. He know that three hundred and odd thousand dollars were appropriated for New York, and not two hundred thousand for the State of Virgina.

The amendment of Mr. Bayers were rejected.

The smendment of Mr. BAXLY was rejected.

Mr. McDONALD moved to strike from the bill the item appropriating \$20,000 for the improvement of the harbor at Dubuque, in the Mississippi river.

After debate by Messre, McDONALD and WENT-WORTH the amendment was rejected.

WORTH, the amendment was rejected.

Mr. McGAUGHEY proposed a pro forma amendment and addressed the committee charging the Democratic members from Indiana, with the exception of the one from the Logansport district, (Mr. Firen,) with sailing under false colors. They professed great desire for an appropriation for the Wabash, while at heart they were hostile to internal im-

Mr. JULIAN. Does my colleague include me?
Mr. McGAUGHEY. I had my eye on the Democrats nd overlooked the Free-Soiler. [Laughter.]
Mr. McDONALD expressed himself ready to assume all

Mr. McDONALD expressed himself ready to assume all the responsibility for his course, here or elsawhere.

Mr. McGAUGHEY. If my colleague intimates at a settlement at Bindensburg, I must decline. [Laughter.]

Mr. McDONALD. I meant nothing of that nature; I knew my colleague too well for that. [Laughter.]

The discussion of the various amendments offered to the bill was continued until ten o'clock at hight, when the committee tose and the House adjourned.